

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ELWOOD H. JONES

Petitioner, Case No. 01-CV-564

v. JUDGE ROSE

MARGARET A. BAGLEY, Warden

MAGISTRATE JUDGE MERZ

Respondent.

**RESPONDENT'S NOTICE OF INTENT NOT TO PRESENT
CERTAIN EVIDENCE AT EVIDENTIARY HEARING**

Respondent hereby gives notice of her intent **not** to present the following items at the September 24, 2007 evidentiary hearing: 1. the ring from which the diamonds for decedent, Rhoda Nathan's, pendant were taken; and 2. a Tilden Jewelers envelope, on which are written instructions for the making of the pendant. Respondent's counsel initially informed Jones's counsel and the Court of the existence of these items because he believed it was his duty to do so. Respondent's counsel was also interested in expanding the record with these items, simply for the sake of full disclosure, not to refute Jones's present claims. Her position remains that the ring and the envelope are not germane to the claims which Jones's counsel intend to present at the evidentiary hearing, and that there is sufficient evidence in the existing record to prove that Jones's present claims are meritless. Therefore, Respondent's counsel will **not** present the ring and the envelope at the evidentiary hearing.

Respectfully submitted,

MARC DANN
Ohio Attorney General

s/Sarah A. Hadacek

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Respondent's Notice Of Intent Not To Present Certain Items At Evidentiary Hearing was delivered via the court's electronic filing system this 9th day of August 2007 to counsel for petitioner.

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